

as pyromania, personality disorder, etc. This bill deals only with severe mental illness that is independent of the crimes and that is independent of any responsibility this person has for their illness. The illnesses covered by this law include schizophrenia and other mental conditions – listed in the text - that so severely impact the person's thinking and understanding at the time of their crime that it reduces the level of their culpability. Examples: a command from God, the person they were killing was not a human being, etc. These individuals did not cause their illness, they are less culpable and the public can be protected.

Another aspect is that if someone has acted because of their delusional believe, the prospect that they may face the death penalty can have no deterrent influence on them. Similarly, exempting these people from the death penalty will not affect the deterrence of the death penalty on anyone else.

The bill is better than the one passed by Connecticut and if passed other states will look to North Carolina “because it much more carefully focuses the pretrial determination on the impact of this person mental illness on their actions and more carefully crafts the definition of mental illness on those who are the least culpable.”

Sen. Kinnaird asked for questions.

Senator Jones:

Would this person be sent to a mental institution?

No, this person if convicted would be punished by other penalties including life without parole.

Would this person be integrated into the rest of the prison population?

No, they would be segregated to protect them and the other prison population. They should also receive treatment in prison.

Kinnaird: 40% of the people in our prison system have mental illness and many of these are first diagnosed with mental illness when they enter the prison population. The incidence of mental illness among our juvenile population is very high and they have not been picked up before they entered the correction system.

Senator Bingham:

What would be the possibility of a person recovering from mental illness or having mental illness for only 3 months?

A person can have a severe breakdown and will have only one occurrence in their life. Other people have manifestations of their mental illness all their lives.

How many other states have this legislation?

Just one: Connecticut; but that law does not have all the protections in it as the one before you.